

CHAPTER 263

(House Bill 265)

AN ACT concerning

Family Law – Emergency Placement of Children – Criminal History Records Checks

FOR the purpose of authorizing a local department of social services to request that a certain agency perform a federal name-based criminal history records check on certain individuals if a child is placed in an emergency ~~in-home~~ out-of-home placement; authorizing a certain agency to provide certain results to a local department; requiring a local department to submit fingerprints to the Department of Public Safety and Correctional Services under certain circumstances; requiring the Department to conduct a certain criminal history records check under certain circumstances; requiring that a child be removed from an emergency ~~in-home~~ out-of-home placement under certain circumstances; requiring a certain individual to submit certain information to a local department under certain circumstances; requiring a certain individual to pay a certain fee under certain circumstances; defining a certain term; and generally relating to emergency ~~in-home~~ out-of-home placements and criminal history records checks.

BY adding to

Article – Family Law

Section 5-569

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5-569.

(A) IN THIS SECTION, “EMERGENCY ~~HOME~~ OUT-OF-HOME PLACEMENT” MEANS ~~THOSE LIMITED INSTANCES WHEN~~ AN OUT-OF-HOME PLACEMENT IN WHICH A LOCAL DEPARTMENT PLACES A CHILD IN THE HOME OF A PRIVATE INDIVIDUAL, INCLUDING A NEIGHBOR, FRIEND, OR RELATIVE, AS A RESULT OF A SUDDEN UNAVAILABILITY OF THE CHILD’S PRIMARY CARETAKER.

(B) (1) IF A CHILD IS PLACED IN AN EMERGENCY ~~IN-HOME~~ OUT-OF-HOME PLACEMENT, A LOCAL DEPARTMENT MAY REQUEST THAT A

DESIGNATED STATE OR LOCAL LAW ENFORCEMENT AGENCY IN THE STATE OR OTHER LOCATION APPROVED BY THE DEPARTMENT PERFORM A FEDERAL NAME-BASED CHECK ON ANY INDIVIDUAL DESCRIBED IN § 5-561(C)(4), (5)(II), AND (6)(II) OF THIS SUBTITLE.

(2) THE DESIGNATED AGENCY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY PROVIDE THE RESULTS OF THE NAME-BASED CHECK TO THE LOCAL DEPARTMENT.

(3) WITHIN 15 CALENDAR DAYS AFTER THE LOCAL DEPARTMENT RECEIVES THE RESULTS OF THE NAME-BASED CHECK, THE LOCAL DEPARTMENT SHALL SUBMIT A COMPLETE SET OF FINGERPRINTS TO THE DEPARTMENT FOR EACH INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON WHOM A NAME-BASED CHECK WAS PERFORMED.

(4) WITHIN 15 CALENDAR DAYS AFTER THE DATE ON WHICH THE NAME-BASED CHECK WAS PERFORMED, THE DEPARTMENT SHALL PERFORM A CRIMINAL HISTORY RECORDS CHECK, IN ACCORDANCE WITH § 5-564 OF THIS SUBTITLE.

(C) A CHILD SHALL BE REMOVED IMMEDIATELY FROM AN EMERGENCY ~~IN-HOME~~ OUT-OF-HOME PLACEMENT IF ANY INDIVIDUAL REQUIRED TO SUBMIT TO A NAME-BASED CHECK FAILS TO COMPLY WITH THIS SECTION.

(D) WHEN THE PLACEMENT OF A CHILD IN A HOME IS DENIED AS A RESULT OF A NAME-BASED CRIMINAL HISTORY RECORDS CHECK OF AN INDIVIDUAL AND THE INDIVIDUAL CONTESTS THAT DENIAL, THE INDIVIDUAL SHALL SUBMIT TO THE LOCAL DEPARTMENT:

(1) A COMPLETE SET OF FINGERPRINTS; AND

(2) WRITTEN PERMISSION ALLOWING THE LOCAL DEPARTMENT TO FORWARD THE FINGERPRINTS TO THE DEPARTMENT FOR SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION.

(E) AN INDIVIDUAL WHO IS REQUIRED TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION SHALL PAY THE FEES REQUIRED UNDER § 5-561(H) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.